

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HENRY WATKINS,	:	
	:	NO. 02-CV-2881
Plaintiff,	:	
	:	
v.	:	
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION & PAROLE,	:	
EDWARD JONES, and MICHAEL BUKATA	:	
	:	
Defendants.	:	
	:	

**DEFENDANTS MOTION FOR FEES AND COSTS
PURSUANT TO 28 U.S.C. § 1927**

Defendants, Defendants, Defendants, tDefendants, the Pennsylvania Board of Probation and Parole (the "Board"), Willie E. Jones (improperly pled as Edward Jones) ("Mr. Jones"), and Michael Bukata (Mr. Bukata ("Mr. Bukata") by their attorneys, respectfully submit this Motion for Fees and Costs Pursuant to 28 U.S.C. § 1927 and in support thereof aver as follows:

1. This is a race discrimination case. Plaintiff contends that Mr. Jones and that Mr. Jones and Mr. Bukata were employed by the Pennsylvania Board of Probation and Parole from 1999 through 2001 and terminated his employment because he is an African American.

2.2. On December 12, 2002, Plaintiff deposed Allen Castor (Mr. Castor), a Pennsylvania Board of Probation and Parole member.

3.3. During the deposition, P3. During the deposition, P3. Mr. Castor questions concerning a 1995 settlement agreement entered

into between the Board and into between the Board and six (6) into Plaintiff, Plaintiff, more than seven (7) years ago (the Settlement Agreement).

4.4. The Settlement Agreement contains 4. The Settlement Agreement clause, clause, which precludes the parties from disclosure, which precludes the terms and amount of the Settlement Agreement.

5.5. Since December 12, 2002, Defendants have 5. Since December requests requests requests that the parties amicably agree to seal Mr. Cast deposition deposition transcript as it pertains to the 1995 Settlement Agreement.

6.6. 6. Plaintiff s counsel repeatedly denied Defendants requests and and specifically instructed that Defendants would motion with the Court.

7.7. Accordingly, on March 7. Accordingly, on March 3, 27. Appropriate Motion for Protective Order in this Court.

8.8. On March 10, 2003, the Honorable Charles 8. On March 10, 2003, the Weiner) held a conference call with the parties to hear argument concerning Defendants motion.

9.9. Much to Defendants surprise, during the conference call Plaintiff Plaintiff s counsel told Judge Weiner that they do not dispute Defendants motion. Thus, Judge Weiner informed the parties that the Court intended to enter Defendants proposed form of order submitted submitted with their Motion for Protective Order, sealing those

portions of Mr. Castor's deposition confidential Settlement Agreement.

10.10. By initially refusing Defendants' repeated offers, the parties amicably agree to seal portions of Mr. Castor's deposition transcript, and subsequently offering no dispute whatsoever in opposition to Defendants' Motion for Protective Order. Plaintiff's counsel unreasonably and vexatiously multiplied these proceedings and forced Defendants to incur unreasonable and unnecessary expense.

11. The attorney's fees and costs associated with preparing and filing Defendants' Motion for Protective Order are \$1,307.72. See Affidavit of Gino J. Benedetti, Esquire (Affidavit of Gino J. Benedetti), ¶¶ 3-5 (Exhibit 1).

12.12. To date, Plaintiff's counsel has failed to reimburse Defendants the \$1,307.72 in incurred due to Plaintiff's counsel's vexatious multiplication of the proceedings.

13.13. Plaintiff's counsel should therefore satisfy personally the attorney's fees incurred because of their conduct.

WHEREFORE, for the foregoing reasons and those stated in the accompanying accompanying Memorandum of Law, Defendants respectfully request that this Court grant their motion and enter an Order requiring Plaintiff's counsel to pay to Defendants, within five (5) days of the date of the Order, \$ 1,307.72 in reasonable the date of the Order, \$ 1,307.72 in reasonable costs associated with the costs associated with the order.

Respectfully submitted,

MILLER, ALFANO & RASPANTI, P.C.

By:

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and Michael Bukata

Dated: March 24, 2003

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